

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1305 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?  
1 to 5 No

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EXECUTIVE ENGINEER

Versus

SHEELABEN P JOSHI

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Appearance:

Mr. A.J. Shastri for MR DD VYAS for Petitioner  
MR NILESH M SHAH for Respondent No. 1

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CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 17/04/97

ORAL JUDGEMENT

Rule. Mr. Shah waives service of the rule on behalf of respondent. In the facts and circumstances of this case, the matter is taken up for final disposal right today.

This Special Civil Application has been filed by the Executive Engineer, Irrigation and Panchayat Division, District Panchayat, Surendranagar against the

order dated 6.11.96 passed by the Labour Court, Surendranagar in an Application under S.33(C)(1) of the Industrial Disputes Act, which had been moved by Smt. Sheelaben P. Joshi. The grievance, which has been raised on behalf of the petitioner in the present Special Civil Application, is that the Labour Court, Surendranagar has committed a mistake in computing the amount to be Rs.75,509/- for the period of 12.10.82 to 12.6.89. According to the petitioner, the due amount payable to the workman for the aforesaid period comes out to be Rs.44,498/- only. Whereas this Special Civil Application has been filed by the petitioner without first moving the application for correction of mistake, if any, before the Labour Court, Surendranagar itself, the parties have agreed to the following terms:

- (1) The Executive Engineer, Irrigation and Panchayat Division, District Panchayat, Surendranagar would pay the admitted amount of Rs.44,498/- to the respondent Smt. Sheelaben P. Joshi on or before 30.4.97.
- (2) Should the petitioner fail to make good this payment of Rs.44,498/- into the hands of the workman Smt. Sheelaben P. Joshi on or before 30.4.97, the order dated 6.11.96 passed by the Labour Court, Surendranagar shall become final and the petitioner shall be under an obligation to pay the rest of the amount to the respondent-workman in terms of the order passed by the Labour Court on 6.11.96.
- (3) In case the payment is made good into the hands of the respondent-workman to the extent of Rs.44,498/- on or before 30.4.97, as stated above, it will be open for the petitioner i.e. the concerned Executive Engineer to move appropriate Application seeking rectification of the mistake in computation of the amount beyond Rs.44,498/- and such application shall be heard and decided in accordance with law by the Labour Court, Surendranagar after hearing the concerned workman within a period of 3 months subject to the condition that the petitioner moves such application for correction of mistake on or before 15.5.97.

This Special Civil Application is decided in the agreed terms as above and the Rule is also made absolute accordingly with no order as to costs.

